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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969

No. [redacted] 212

DAVID EARL TRAMMELL,
Petitioner,

vs.

STATE OF ALABAMA,
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF ALABAMA

WILLIAM B. McCOLLOUGH, JR.
908 Frank Nelson Building
Birmingham, Alabama
Counsel for Petitioner

Of Counsel:
N. P. CALLAHAN, JR.
McCOLLOUGH & McCOLLOUGH
908 Frank Nelson Building
Birmingham, Alabama

E. L. MENDENHALL, INC., 926 Cherry Street, Kansas City, Mo. 64106, HArrison 1-3030

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To the Honorables the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Petitioner prays that a Writ of Certiorari issue to review the judgment and opinion of the Court of Appeals of Alabama affirming petitioner's conviction in the Circuit Court of the Tenth Judicial Circuit of Alabama.

OPINIONS BELOW

The judgment and opinion of the Court of Appeals of Alabama, ... Alabama ....., ... So. 2d ....., Appendix A.

JURISDICTION

On October 22, 1968, the Court of Appeals of Alabama entered a judgment and opinion affirming petitioner's conviction in the Circuit Court of the Tenth Judicial Circuit of Alabama, Appendix A. The Court of Appeals of Alabama denied petitioner's application for rehearing without opinion on November 12, 1968. Thereafter on March 13, 1969, the Supreme Court of Alabama denied without opinion petitioner's writ of certiorari to review the opinion of the Court of Appeals.

The jurisdiction of this Court is invoked under Title 28 of the United States Code, Section 1257(3).

QUESTIONS PRESENTED

Circumstances of the Case

Petitioner was tried and convicted of grand larceny on his plea of guilty to grand larceny (R. 7) as charged in an indictment (R. 2) which contained three counts in code form as follows: Count One—grand larceny (Title 15, Section 259, Form 66, Code of Alabama); Count Two—bringing stolen goods into the state (Title 15, Section 259, Form 25, Code of Alabama); Count Three—buying, receiving or concealing stolen goods (Title 15, Section 259, Form 91, Code of Alabama). Upon said plea the trial court entered a judgment of "* * * guilty to grand larceny as charged in the indictment * * *." (R 7). Petitioner gave notice of appeal to the Court of Appeals of Alabama (R. 8). On appeal petitioner questioned the jurisdiction of the courts of Alabama of the offense for which he had been convicted when it was apparent from the face of the in-

dictment (R. 2) that the grand larceny had occurred in the State of Tennessee. On October 22, 1968, the Court of Appeals of Alabama entered a judgment and opinion (R. 13-14, Appendix A) affirming petitioner's conviction. Rehearing in that Court and review by certiorari in the Supreme Court of Alabama were thereafter denied.

THE QUESTIONS

1. Can petitioner be convicted and punished in the Courts of Alabama for a crime committed in the State of Tennessee?

CONSTITUTIONAL PROVISIONS INVOLVED

ARTICLE IV, SECTION 2:

"A person charged in any State with Treason, Felony or other Crime, who shall flee from Justice, and be found in another State shall, on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime."

FIFTH AMENDMENT:

"* * * nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; * * * nor be deprived of life, liberty or property without due process of law * * *."

SIXTH AMENDMENT:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, * * * to have compulsory process for obtaining witnesses in his favor * * *."